

REMARKS

This Amendment addresses the Office Action mailed December 23, 2003. In this Amendment, claims 1 and 2 are amended, claims 8-63 are cancelled and new claims 64-77 are added. No new matter is added by these amendments. The amendments to claim 1 state that an open end portion of a cylindrical barrel wall includes only unbroken opaque band. This amendment is supported in the specification as originally filed at Figure 10 which illustrates a single, unbroken opaque band and at page 14, line 26 through page 15, line 14, as well as at other locations in the specification.

New independent claims 65 and 71 describe a plunger and a removable cartridge rod as a part of the cartridge. These features are supported in the original specification at pages 13-17 and Figures 10-14.

Interview Summary

On April 21, 2004, a telephone interview was conducted with Examiner Mathew Dessanto and Applicants' undersigned Representative, Kate DeVries Smith. The two cited references, U.S. Publication 2002/0128606 to Cowan and U.S. Patent No. 6,113,578 to Brown were discussed. Amendments to claim 1 were discussed and it was agreed that language as proposed in the amendment filed herein would distinguish the claim over the Cowan and Brown references, based on the Examiner's review of those references during the interview.

Claim Rejections

Claims 1-7 were rejected under 35 U.S.C. § 102 as being anticipated by Cowan. In addition, claims 1-3 and 5-7 were rejected under 35 U.S.C. § 102 as being anticipated by Brown. Applicants respectfully traverse these rejections. However, in the interest of expediting prosecution, claim 1 has been amended.

Claim 1 specifies that the cartridge barrel includes only one unbroken, opaque band in an open end portion of the barrel wall. The open end portion is defined as extending between a ridge defined on an interior face of the barrel wall and the open end of the barrel wall. In contrast Cowan does not show only one unbroken opaque band at an open end portion. Figure 2F referenced by the Examiner in the Office Action, shows a shield 160 that is interrupted by openings 160A, 160B and 160C. Accordingly, claim 1 is patentable over Cowan. Claims 2-7

and 64 are dependent upon claim 1 and are therefore patentable for at least the same reasons as claim 1. New independent claims 65 and 71 and their dependent claims also include this feature and are therefore also patentable over Cowan.

As discussed with the Examiner during the interview, Brown fails to disclose a ridge defined on an interior face of a barrel wall. In addition, Brown does not show an opaque portion in an open end portion of a cartridge. Brown describes a control portion 88 that is opaque, but this control portion 88 is located near a closed end of the syringe, as shown in Figure 2A of Brown. Accordingly, for at least these reasons, claim 1 is patentable over Brown. In addition, dependent claims 2-7 and 64 are also patentable over Brown.

New independent claims 65 and 71 also include the features are not taught in Brown, in addition to other distinctions. Accordingly, claims 65-77 are also patentable over Brown.


Conclusion

Applicants respectfully request allowance of the pending claims at an early date. The Examiner is encouraged to contact Applicants' undersigned Representative if such contact would be helpful in any way.

Respectfully submitted,

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